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Remarks

The present response is to the Office Action mailed the above-referenced case on June 4, 2004. Claims 1-16 are presented below for examination. Claim 5 is objected to, and claims 6 and 14 are rejected due to informalities. In response, applicant amends the claims to correct the deficiencies.

Claims 1, 2, 7-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being and patentable over Chown (U.S. 4,593,840), hereinafter Chown. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being and patentable over Chown as applied to claim 1, in view of Walker (U.S. 5,161,814), hereinafter Walker. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chown in view of Walker, as applied to claims 1 and 3, and in further view of Southard Jr. (6,213,491), hereinafter Southard. Claims 6, 11 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chown as applied to claim 1 in view of Gipson Jr. (4,978,104), hereinafter Gipson.

Applicant has carefully studied the prior art presented by the Examiner, and the Examiner's objections, rejections and statements of the instant Office Action. In response, applicant herein amends the claims to more particularly point out and distinctly claim the subject matter of applicant's invention regarded as patentable, and to distinguish unarguably over the prior art presented. Applicant points out and argues the key limitations and capabilities of applicant's invention, as recited in the claims as amended, and described in the specification in enabling detail, which the Examiner appears to misunderstand in his rejections and statements.

Applicant amends the language of claim 1 to specifically recite a utility cart comprising a lever-operated load lift assembly connecting the wheel base to the frame characterized in that actuating the lever of the load lift assembly raises or lowers the frame relative to the wheel base assembly. Applicant reproduces claim 1 below as amended.

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Applicant's claim 1 as amended now recites:

1. (currently amended) A receiver hitch-mountable utility cart comprising;
a support frame for supporting a payload;
a hitch arm rigidly attached to the support frame, the hitch arm shaped to engage a receiver hitch bar of an over-the-road vehicle;
a wheelbase assembly with wheels for transporting the cart with the wheels on the ground; and
a user-operable translation mechanism comprising a lever-operated load lift assembly connecting the wheelbase to the frame;
characterized in that operating the lever of the load lift assembly raises or lowers the frame relative to the wheelbase assembly, such that the cart, with the support frame in an uppermost position, may be aligned and connected to the receiver hitch bar of the over-the-road vehicle, and the wheels may then be retracted to carry the cart entirely on the receiver hitch bar.

Applicant's claim 10 recites the method steps for practicing the invention in accordance with claim 1, and is accordingly amended similarly.

Applicant wishes to point out to the Examiner the clear and obvious distinctions of applicant's invention over those of the prior art cited and applied in this case, which are advantageous in that the unique translation mechanism of the invention provides considerable assistance to an operator when attempting to couple the cart to the receiver hitch bar of a service vehicle, by raising or lowering the frame of the cart in relation to the wheelbase assembly by the operation of a lever of a load lift assembly which attaches the frame to the wheelbase. The unique load lift assembly further enables the operator, by operation of the lever of the load lift assembly once the cart is in the uppermost position and attached to the receiving

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hitch, to then raise the wheelbase assembly, including axle, off the ground and lock in place in order to transport the suspended cart on the service vehicle.

Referring the Examiner to applicant's specification with reference to Fig. 1, the utility cart 100 has a user-operable translation mechanism, comprising a load lift lever 103 pivotally attached at both ends to frame 113 near the junctions formed by angle bars 115a and 115b. Load lift lever 103 is adapted as part of the unique translation apparatus described in enabling detail in the description of the preferred embodiment, to enable lifting of frame 104 relative to axle 107 and wheels 101, which form the wheelbase assembly. The unique arrangement enables the user, while the cart is supported on the wheelbase assembly, and the wheels are supported by the ground, to facilitate coupling of the hitch portion of the cart to the hitch portion of the service vehicle, without manual lifting that would be associated with a cart having a fixed frame and axle assembly, or a cart without a lever operated load-lift translation system, such as in prior art examples.

Referring now to the reference of Chown, specifically Fig. 1, a pair of wheels 6 are provided for the load carrying unit 1, which may be independently raised or lowered in relation to the load carrying portion 4, or to each other, and may be locked in position with the manually actuated hand screw 9. It is noted that an axle connecting the pair of wheels is not provided, therefore there is no wheelbase assembly supporting the load-carrying portion, as in applicant's invention.

The Examiner has stated that Chown teaches a user-operable translation mechanism (hand screw assembly) enabling the frame to be raised and locked and lowered relative to the wheelbase. However, applicant respectfully points out that Chown fails to teach a load lift assembly of any kind which mechanically assists in the raising or lowering of the frame of the cart in relation to the wheelbase. There is no actuating portion which, when operated by the user, raises or lowers the frame in relation to wheelbase, or the wheelbase in relation to the frame.

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Chown teaches manually raising or lowering each independent wheel assembly in relation to the frame, and then simply the ability to lock the wheel in place in the frame using the hand screw. The obvious drawback in the invention of Chown and in other prior art systems, which is clearly overcome by the unique apparatus of applicant's invention, is that raising or lowering the load carrying portion in relation to the wheels, or in relation to the carrying hitch of the service vehicle, is a daunting task for the operator, without the use of an additional external lifting apparatus such as a hydraulic jack, forklift or some similar load lifting device.

Applicant's invention teaches, by actuation of the load lift lever of the translation mechanism, the frame supporting the load may be easily raised (or lowered) in relation to the wheelbase, while supported by the wheelbase and while the wheelbase is supported by the ground, to the level of the receiving hitch of service vehicle, facilitating coupling of the hitch portion of the cart to the hitch portion of the service vehicle. Once coupling takes place, the lever of the translation mechanism may be actuated again to raise the wheelbase assembly from the ground, thereby suspending the cart on the assembly of the service vehicle, facilitating easy transport of the cart over the ground.

Applicant's independent claims 1 and 10 now specifically recite the lever-actuated load lift apparatus and method of applicant's invention as discussed above, and described in enabling detail in applicant's specification. The reference of Chown clearly fails to teach such a lever-actuated load lift apparatus, or any load lift apparatus of any kind for that matter, and there is no suggestion in the combined art of such functionality. The reference of Chown therefore now fails in combination with Walker to produce applicant's invention as recited in claims 1 and 10 as amended.

Claims 3 and 5 are rejected as being and patentable over Chown as applied to claim 1, in view of Walker, claim 4 is as being unpatentable over Chown in view

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of Walker, as applied to claims 1 and 3, and in further view of Southard, and claims 6, 11 and 14-16 are rejected as being unpatentable over Chown as applied to claim 1, in view of Gipson.

All of the above claims are depending claims, and in view of applicant's amendments to the claims and arguments presented above, depending claims 2-9 and 11-16 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims standing for examination have been shown to be patentable as amended over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,

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